

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
<b>UTILITY NETWORK AUTHORITY MI, LLC</b> , for a	)	Case No. U-18125
license to provide basic local exchange service	)	
throughout the state of Michigan.	)	
_____	)	

At the December 20, 2016 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman  
Hon. Norman J. Saari, Commissioner  
Hon. Rachael A. Eubanks, Commissioner

**ORDER**

On June 25, 2016, Utility Network Authority MI, LLC (Utility Network) filed an application, pursuant to the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, for a license to provide facilities-based and resold local exchange service in all zone and exchange areas served by incumbent local exchange carriers in the state of Michigan. On August 19 and September 30, 2016, Utility Network filed amended applications. Utility Network indicates that its parent company is Interstate Transport and Broadband, LLC, and that it is affiliated with Mobilitie Holdings, LLC, Mobilitie, LLC (Mobilitie), and Mobilitie Management, LLC (Mobilitie Management). August 19 and September 30, 2016 applications, pp. 5-6.

At a hearing before Administrative Law Judge Mark D. Eyster on November 30, 2016, Utility Network presented the revised testimony and exhibits of Dave Garner, Utility Network's

Vice President. The Commission Staff (Staff) filed the testimony of Julie E. Ginevan, Senior Departmental Analyst in the Licensing and Competitive Issues Section of the Telecommunications Division. In its testimony, the Staff stated that approval of the license would be in the public interest if conditions were placed on the license; but, absent the conditions, the Staff would oppose approval. 1 Tr 25, 28-30. On November 21, 2016, Utility Network filed the rebuttal testimony of Dave Garner, in which the company agreed to the Staff's proposed conditions. 1 Tr 15-16. At the close of the hearing, the parties waived compliance with Section 81 of the Michigan Administrative Procedures Act, MCL 24.281.

After a review of the application and testimony, the Commission finds that approval of the application with the conditions is in the public interest. On numerous occasions, the Commission has found that competition can be advantageous to the citizens of this state. Approval of the request for a license to provide basic local exchange service will expand the opportunities for competition. Accordingly, the application is approved with conditions.

The conditions are as follows. Utility Network, and any affiliate regulated by the Commission, shall file any information that is requested by the Staff no later than the deadline indicated by the Staff, and will respond promptly to any additional inquiries that the Staff may have. Utility Network shall file quarterly assurances that it is fulfilling its regulatory obligations, and shall include in those filings progress reports on the implementation of the basic local exchange services that it will be providing in Michigan, for one year from the date of this order, and for an additional year if the Staff so informs the company during that time. Finally, Utility

Network shall keep the Commission apprised of any transfers or any other information that may affect Utility Network.<sup>1</sup>

The grant of a license is conditioned on full compliance with the provisions of the MTA, as well as the anti-slamming procedures adopted in Case No. U-11900, the access restructuring mechanism contribution methodology adopted in Case No. U-16183, the number portability provisions of the MTA, and the number reclamation process adopted in Case No. U-12703. Failure to comply fully may result in revocation of the license and other penalties. The grant of a license is conditioned upon the provision of service to customers within a reasonable time. Failure to do so may result in revocation of the license. Finally, the Commission notes that any numbers obtained by the applicant are a public resource and are not owned by the applicant. If the applicant fails to provide service or goes out of business, any numbers assigned to it are subject to reclamation.

THEREFORE, IT IS ORDERED that:

A. Utility Network Authority MI, LLC, is granted a permanent license to provide basic local exchange service throughout the state of Michigan.

B. Utility Network Authority MI, LLC, and any affiliate regulated by the Commission, shall file any information that is requested by the Commission Staff no later than the deadline indicated by the Staff, and will respond promptly to all inquiries made by the Staff.

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<sup>1</sup> Based on the concerns expressed by Ms. Ginevan in her testimony, the Commission reminds the applicant that a license to provide basic local exchange service does not constitute authority for providing other services, such as Distributed Antenna System networks, nor does it circumvent the requirement to obtain the necessary permits from municipalities to access their rights-of-way. 1 Tr 29.

C. Utility Network Authority MI, LLC, shall file quarterly assurances that it is fulfilling its regulatory obligations, and shall include in those filings progress reports on the implementation of the basic local exchange services that it will be providing in Michigan, for one year from the date of this order, and for an additional year if the Commission Staff so informs the company during that time.

D. Utility Network Authority MI, LLC, shall keep the Commission apprised of any transfers or any other information that may affect Utility Network Authority MI, LLC, by promptly informing the Commission Staff.

E. Utility Network Authority MI, LLC, shall provide basic local exchange service in accordance with the regulatory requirements specified in the Michigan Telecommunications Act, MCL 484.2101 *et seq.*, including the number portability provisions of MCL 484.2358, the access restructuring mechanism contribution requirements of MCL 484.2310 and Case No. U-16183, the anti-slamming procedures adopted in Case No. U-11900, and the number reclamation process adopted in Case No. U-12703.

F. Before commencing basic local exchange service, Utility Network Authority MI, LLC, shall submit its tariff reflecting the services that it will offer and identifying the exchanges in which it will offer service.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) and to the Michigan Department of the Attorney General – Public Service Division at [pungpl@michigan.gov](mailto:pungpl@michigan.gov). In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General – Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

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Sally A. Talberg, Chairman

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Norman J. Saari, Commissioner

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Rachael A. Eubanks, Commissioner

By its action of December 20, 2016.

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Kavita Kale, Executive Secretary